CH/00L (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATISGARH)

W. P. NO 2803 OF 2003

PETITIONER

Ajit Ram Sahu, S/o Dwarika Prasad Sahu, aged about 39 years; Occupation – Service; Presently posted Panchayat Karmi, Gram Panchayat Khapri [within jurisdiction of Janpad Panchayat Dondi Lohara, Tahsil Dondi Lohara District Durg [Chhattisgarh]

VERSUS

RESPONDENTS

1. State of Chhattisgarh thru' Secretary, Department of Panchayat & Rural Development, Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

2. Collector, District Durg [Chhattisgarh]

3. Gram Panchayat, Khapri Khapri,Block Dondi Lohara, Tahsil Dondi Lohara, Distt. Durg [Chhattisgarh] Through its Secretary.

P. R. No. 26557/03
Presented by Shri Kul Rupal Singh
dated 04/09/03

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2803/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

9-9-2003

Shri Ashish Shrivastava, counsel for the petitioner.

Shri Pravin Das, P.L. for the State/respondents.

Heard both the counsel.

The petitioner has preferred this petition under Article 226 of the Constitution of India and the petitioner's petition is that he was duly appointed as Panchayat Karmi of Gram Panchayat Khapri. Order for his removal was passed on 4-9-2000 by the Sarpanch of Gram Panchayat. That order was challenged before the High Court of Madhya Pradesh in W.P. No. 5488/2000 and the same was transferred to this High Court and vide order 14-3-2001 the order of removal of the petitioner was set-aside by the Court and after three months of that on 29-6-2001 the Gram Panchayat passed a resolution to remove the petitioner from the post of Panchayat Karmi. The order being illegal, a meeting was held on 3-7-2001 and in that meeting the earlier resolution of Gram Panchayat dated 29-6-2001 was approved. The petitioner challenged that order before the Sub Divisional Officer, Dondi Lohara who vide order dated 27-7-2001 set-aside the operation of the order of Gram Panchayat and resolution dated 3-7-2001.

The Sarpanch of the Gram Panchayat filed a revision against the order dated 27-7-2001 before the Collector and the Collector passed the order dated 22-12-2001 thereby the powers of the petitioner were withdrawn.

The petitioner filed an appeal before Commissioner who vide order dated 7-1-2002 stayed the operation of the order of the Collector and the

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appeal was finally decided by the Commissioner on 30-4-2002 by which the Commissioner remanded the matter to the Collector by holding that opportunity of hearing was not giverr to the petitioner and without hearing him the order dated 22-12-2001 has been passed and it was directed that the stay would continue.

The Collector vide order dated 22nd July 2002 passed a new order pursuant to the Commissioner's order dated 30-4-2002 and directed the Chief Executive Officer, Janpad Panchayat, to take proper action by holding special Gram Sabha meeting and appropriate decision be taken by giving proper opportunity of hearing to the petitioner.

Against the order dated 22-7-2002, the petitioner again preferred an appeal before the Commissioner and which is still pending. However, the Commissioner refused to grant stay vide order dated 12-8-2002 in favour of the petitioner. Against the order of Commissioner a revision was filed before the Secretary, Department of Panchayat & Rural Development, Govt. of Chhattisgarh, Raipur. Gram Panchayat passed an order on 2-11-2002 by which the petitioner was again removed from the post of Panchayat Karmi. The petitioner challenged the same before the Appellate Committee of Janpad Panchayat, who stayed the resolution dated 31-10-2002.

The learned counsel for the petitioner submitted that the revision of the petitioner is pending before the Secretary, Department of Panchayat & Rural Development, Annexure-P/12, therefore, the Government may be directed to decide the revision at the earliest.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध WP. 2803/03

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the request of the learned counsel for the petitioner is just and fair, therefore, the Secretary, Department of Panchayat & Rural Development, Govt. of Chhattisgarh, Raipur is directed to decide the revision at the earliest and not later than two months from today. With these observations, the writ petition is disposed of. Consequently, M.(W.)P. No. 2562/2003 and I.A. No. 8397/2003 also stand disposed of. Parties are entitled for the certified copy of the order. Sd/- L.C. Bhadoo Judge	